

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
DAVID WILLIAM PEER,
Defendant.

8:13-CR-106

ORDER

The defendant has filed a *pro se* motion for compassionate release ([Filing 536](#)) pursuant to [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#), which permits a defendant to move for reduction of a term of imprisonment based upon "extraordinary and compelling reasons." Defendant requests the appointment of counsel to assist with his motion. [Filing 536 at 1](#). Pursuant to [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#), a district court may consider a defendant's motion for compassionate release only "after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier." Here, Defendant has failed to allege that he has exhausted, let alone pursued, all available administrative remedies. Therefore, Defendant's Motion is denied without prejudice to reassertion following a proper exhaustion of administrative remedies.

IT IS ORDERED:

1. Defendant's Motion of Emergency Request for Compassionate Release Under [18 U.S.C. § 3582\(c\)\(1\)\(A\)](#) ([Filing 536](#)) is denied without prejudice.
2. The Clerk of the Court is directed to mail a copy of this Order to the Defendant and the Federal Public Defender for the District of Nebraska.

Dated this 15th day of July, 2020.

BY THE COURT:



Brian C. Buescher
United States District Judge